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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,051	04/13/2004	Richard Soltys	110184.411	4088
68100 7590 06/04/2008 SEED INTELLECTUAL PROPERTY LAW GROUP, PLLC 701 FIFTH AVENUE SUITE 5400 SEATTLE, WA 98104				
EXAMINER				
RADA, ALEX P				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
06/04/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/823,051

**Applicant(s)**

SOLTYS ET AL.

**Examiner**

ALEX P. RADA

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 and 28-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)  
Paper No(s)/Mail Date 1/14/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

In response to the amendment filed February 1, 2008 wherein applicant submits new drawings, amends the specification and claims 22-26 and 28-32 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 22-26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US Pub. No. 2003/0064774).

Regarding claim 22, Fujimoto et al (Fujimoto) discloses a playing card reader comprising: a housing having a receptacle sized to receive a plurality of playing cards (figure 2; item 15 wherein a housing is shown); a transmitter received in the housing (paragraph [0033]); a receiver received in the housing (paragraph [0033]); and at least a first antenna electrically coupled to at least one of the

transmitter and the receiver, the first antenna positioned to electro-magnetically interrogate at least some of the playing cards (summary and paragraphs [0033-0034]; *wherein the antenna coil 11 uses an induction magnetic field as a transmission medium*); and a computer-readable medium storing a mapping that uniquely identifies playing cards based on a random distribution of conductive material carried by each of the playing cards (paragraphs [0031-0033], [0035-0037] and figure 3; wherein each cards has a unique IC chip (wherein the IC chip inherently has to made of conductive material) which identifies each of the cards pass through the induction magnetic field).

Regarding claim 23, Fujimoto discloses wherein the first antenna is positioned to electro-magnetically interrogate the playing cards one at a time, as each of the playing cards is removed from the housing (paragraphs [0033-0034]).

Regarding claim 24, Fujimoto et al discloses wherein at least a portion of the housing comprises a radio frequency barrier positioned between the receptacle and an exit of the housing, and the first antenna is positioned with respect to the radio frequency barrier and the exit to electro-magnetically interrogate the playing cards one at a time, as each of the playing cards is removed from the housing (paragraphs [0033-0034]).

Regarding claims 25-26, Fujimoto discloses wherein the first antenna is positioned to electro-magnetically interrogate a number of the playing cards in the receptacle simultaneously (paragraph [0037]; wherein the recording section records information on the contents of the games such as the rules of game, card combinations etc.).

Regarding claim 28, Fujimoto discloses wherein the transmitter and the receiver take the form of a transceiver (paragraph [0033]).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US Pub. No. 2003/0064774) in view of McCrea, Jr. (US 6,346,044).

Regarding claim 29, Fujimoto discloses a card reader having a wireless transmitter and receiver coupled to at least a first antenna to electro-magnetically interrogate playing cards (paragraphs [0033-0034]); and a computing system coupled to receive data from the wireless card reader, and the computer system including a computer-readable medium storing a mapping that uniquely identifies playing cards based on a random distribution of conductive material carried by each of the playing cards (paragraph [0037]; wherein the recording section records information on the contents of the games such as the rules of game, card combinations etc.). Fujimoto is silent in regards to a chip reader having at least one wireless transmitter and receiver coupled to a plurality of antennas positioned proximate to respective wagering placement areas to electro-magnetically interrogate wagering chips placed at the wager placement areas.

Regarding claim 30, Fujimoto discloses a card shoe having a receptacle sized and dimensioned for holding a plurality of playing cards, wherein the card reader is housed in the card shoe (figure 1 and paragraph [0034]).

Regarding claim 32, Fujimoto discloses a dealer's hand reader having at least one wireless transmitter and receiver coupled to at a plurality of antennas positioned to electro-magnetically

interrogate at least one playing card forming a dealer's initial hand when positioned proximate thereto, the dealer's hand reader coupled to the computing system to provide data thereto (figure 1 items 18, 3B and paragraph [0035]).

McCrea, Jr. (McCrea) discloses a chip reader having at least one wireless transmitter and receiver coupled to a plurality of antennas positioned proximate to respective wagering placement areas to electro-magnetically interrogate wagering chips placed at the wager placement areas and a wireless chip reader (col. 8, lines 48-61). By having a chip reader combined with a card reader, one of ordinary skill in the art would combine prior art known methods to yield to predictable results of providing a fully automated accounting system for accurately and automatically monitoring and recording all gaming chip transactions in a casino, thus reducing theft and fraud within a casino.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Fujimoto to include a chip reader having at least one wireless transmitter and receiver coupled to a plurality of antennas positioned proximate to respective wagering placement areas to electro-magnetically interrogate wagering chips placed at the wager placement areas and a wireless chip reader as taught by McCrea to combine prior art known methods to yield to predictable results of providing a fully automated accounting system for accurately and automatically monitoring and recording all gaming chip transactions in a casino, thus reducing theft and fraud within a casino.

5. Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto et al. (US Pub. No. 2003/0064774) in view of McCrea, Jr. (US 6,346,044) as applied to claim 29 above, and further in view of French (5,735,742).

Regarding claim 31, Fujimoto in view of McCrea disclose the claimed invention as discussed above but is silent in regards to a chip tray; and a chip tray reader having at least one wireless

transmitter and receiver coupled to at a plurality of antennas positioned in the chip tray to electro-magnetically interrogate wagering chips placed at the chip tray, if any, the chip tray reader coupled to the computing system to provide data thereto.

French discloses a gaming tracking system having a chip tray; and a chip tray reader having at least one wireless transmitter and receiver coupled to at a plurality of antennas positioned in the chip tray to electro-magnetically interrogate wagering chips placed at the chip tray, if any, the chip tray reader coupled to the computing system to provide data thereto (col. 7, lines 18-30). By having a chip tray reader, one of ordinary skill in the art would provide an accounting system that accurately and automatically monitors and records all gaming chip transactions various casino games.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Fujimoto to further include a chip tray; and a chip tray reader having at least one wireless transmitter and receiver coupled to at a plurality of antennas positioned in the chip tray to electro-magnetically interrogate wagering chips placed at the chip tray, if any, the chip tray reader coupled to the computing system to provide data thereto as taught by French to provide an accounting system that accurately and automatically monitors and records all gaming chip transactions various casino games.

### ***Response to Arguments***

6. Applicant's arguments filed February 1, 2008 have been fully considered but they are not persuasive.

In regards to the 102(e) argument, Fujimoto has earlier filing in the published application of September 6, 2002, which is earlier than applicants earliest filing date and therefore, constitutes as proper prior art reference under 102(e).

In regards to the Fujimoto not disclosing the electro-magnetic interrogation and the computer-readable medium storing a mapping of each identified cards, please refer to the amended rejection as noted above.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vuong et al. (US Pub. No. 2002/0147042) discloses a system and method for detecting the cards, chips, etc. during game play.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

Robert E. Pezzuto  
Examiner  
Art Unit 3714

/A. P. R./  
Examiner, Art Unit 3714